



PATENT
Attorney Docket No.: 53470.003026

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number : 09/883,509 Confirmation No.: 8697
Applicant : Jeffrey Bedell *et al*
Filed : January 29, 2002
Title : Method and system for implementing security filters for reporting systems
TC/Art Unit : 2655
Examiner: : Christopher A Revak

Docket No. : 53470.003026
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Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

Pursuant to the Pre-Appeal Brief Conference Pilot Program announced in the Official Gazette, Applicants hereby request a pre-appeal brief conference in the above-referenced case.

This application is appropriate for a pre-appeal brief conference. A brief history of this application and why applicants believe that an appeal will succeed are set forth below. This application was filed June 19, 2001. The claims have been subject to a rejection based on U.S. Patent No. 5,889,958 to Willens either alone under section 102(b) or in combination with U.S. Patent No. 6,484,168 to Pennock et al.

Specifically, claims 1, 7 and 13 (the independent claims) are allegedly anticipated by Willens. In a response to the first Office Action, Applicants amended the claims to recite an on-line analytical processor (OLAP) in each claim. In response, the final Office Action maintains the rejections while at the same time *acknowledging that Willens fails to disclose this newly*

added feature. In a 102 rejection, the Office Action then states that “[a]lthough the teachings of Willens do not specifically disclose the use of an OLAP, the functionality defined by the applicant’s specification is anticipated by the teachings of Willens.

Clearly, when the Office Action is asserting in a 102 rejection that a claimed element is missing, this case will be reversed on appeal. In addition, however, assertions that the specification is anticipated by a reference demonstrates a clear misunderstanding of the applicable law.

Thus, an appeal on that basis will certainly succeed, but the time and expense in preparing an appeal brief on that issue should not be borne by MicroStrategy when the grounds is so clearly improper.

Respectfully submitted,



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